S.B.CRIMINAL MISC. PETITION NO.628/2007

Amba Lal Jat & Anr.
Vs.
Narcotic Control Bureau, Jodhpur

Date of order : : 16.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Manish Pitaliya, for the petitioners.
Mr.I.S.Pareekh, for the respondent.

Heard learned counsel for the parties.

The main contention of learned counsel for the petitioners is that charge-sheet was filed against the petitioners on 18.4.2007. The Presiding Officer was on leave and therefore, cognizance was not taken and the case was fixed for 23.4.2007. On that day also, the case was adjourned, however, judicial custody of the accused-petitioners were extended. Learned counsel for the respondent states that now the Special Judge, NDPS Cases has joined and next date has been fixed as 17.5.2007 i.e. tomorrow.

Looking to all the facts and circumstances of the case as also the fact that now learned Special Judge, NDPS Cases, Chittorgarh has joined, it is ordered that petitioners may raise all the objections which have been raised in this misc. petition under Section 482 Cr.P.C. before the learned Special Judge and learned Special Judge before proceeding further, shall decide all the objections, if any raised by petitioner, whether custody of the accused-petitioners under Section 309 Cr.P.C. were illegal or not accordance with the law.

With the aforesaid observations/directions, this misc. petition stands disposed of.

(KRISHAN KUMAR ACHARYA), J.

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